

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the collar with markings (claim 16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 12 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipate by Stein (6,059,109).
4. Regarding claim 1, Stein discloses a tray (Figures 7-9) with a handle portion (47c), a base, and a hollow post (47) with an aperture in the base so that the hollow interior of the post is accessible to receive the post of the handle of another tray to enable stacking as seen in Figure 9.
5. Regarding claim 2, Stein discloses the base portion has a wall extending substantially vertically from the base.
6. Regarding claim 3, Stein discloses a lifting handle (47c) at the top of the post.
7. Regarding claim 4, Stein discloses the top of the post is higher than the top of the wall.
8. Regarding claim 5, Stein discloses the post tapers inward.
9. Regarding claim 6, Stein discloses the post has an aperture at the top of the post, beneath the handle (47c).
10. Regarding claim 12, Stein discloses the base portion is circular as seen in the figures.

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11. Regarding claims 20 and 21, Stein discloses the entire tray is formed as a unitary component as can be seen in Figures 7-9.

12. Regarding claim 22, Stein discloses all of the structure of the invention. The Examiner considers the term "moulded" to constitute a product by process limitation that does not materially affect structure.

13. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Salyer (Des. 354,868).

14. Regarding claim 1, Salyer discloses a stackable tray (Figures 1-4) with a handle portion, the top section of the post, a base, and a hollow post with an aperture in the base, as seen in Figure 4, so that the hollow interior of the post is accessible to receive the post of the handle of another tray.

15. Regarding claim 13 Salyer discloses the post is circular in cross-section.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Kessler (4,967,908). Stein discloses the invention except for a plurality of feet formed integrally with the base. Kessler discloses a tray with a plurality of feet formed integrally with the base (26, Figures 1 and 4, column 3, lines 15-16). It would have been obvious to one of ordinary skill in the art at the time the invention was

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made to have incorporated the use of feet formed integrally with the base as disclosed by Kessler in the tray disclosed by Stein to allow the tray to sit stably with minimal rocking even on a surface that may be slightly warped or irregular.

18. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein in view of Venegoni (4,911,295). Stein discloses the invention except for the material of the tray. Venegoni discloses a similar tray (18, Figure 1) that can be made from plastic, metal or cardboard (column 2, lines 23-25 and lines 36-38). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of plastic, metal or cardboard for the tray as disclosed by Venegoni in the tray disclosed by Stein since it is known in the art to use these materials for similar trays.

#### ***Allowable Subject Matter***

19. Claims 9-11 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARRY A. GROSSO whose telephone number is (571)272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Harry A. Grosso  
/Harry A. Grosso/  
Examiner, Art Unit 37813

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